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14 **UNITED STATES BANKRUPTCY COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**

16 In Re:

17 Case No. 11-42980 E

18 **Garrett Yance Riller Sr. & Angela**
19 **Davette Riller,**

20 Chapter 11

21 Debtors.

22

23 **APPOINTMENT AND NOTICE OF APPOINTMENT OF**
PATIENT CARE OMBUDSMAN

24 Pursuant to 11 U.S.C. § 333, Federal Rule of Bankruptcy Procedure 2007.2(c) and the
25 Court's order on the record on July 26, 2011 directing this appointment, August B. Landis,
26 Acting United States Trustee, hereby appoints as the Patient Care Ombudsman in this case:

27 Joseph Rodrigues
28 State Long-Term Care Ombudsman
1 Office of the State Long-Term Care Ombudsman
2 California Department of Aging
3 1300 National Drive, Suite 200
4 Sacramento, CA 95834

5 Pursuant to Bankruptcy Rule 2007.2(c), a verified statement by Joseph Rodrigues is not
6 necessary because he is the State Long-Term Care Ombudsman.

7 Section 333 of the Bankruptcy Code provides that the Patient Care Ombudsman shall:

8 (1) monitor the quality of patient care provided to patients of the debtor, to the extent
9 necessary under the circumstances, including interviewing patients and physicians;
10 (2) not later than 60 days after the date of this appointment, and not less frequently than at
11 60-day intervals thereafter, report to the court after notice to the parties in interest, at a

12 **Notice of Appointment of Ombudsman Case No. 11-42980 E**

1 hearing or in writing, regarding the quality of patient care provided to patients of the
2 debtor;

3 (3) if such ombudsman determines that the quality of patient care provided to patients of the
4 debtor is declining significantly or is otherwise being materially compromised, file with
5 the court a motion or a written report, with notice to the parties in interest immediately
6 upon making such determination; and

7 (4) shall maintain any information obtained by such ombudsman under section 333 of the
8 Bankruptcy Code that relates to patients (including information relating to patient
9 records) as confidential information. Such ombudsman may not review confidential
10 patient records unless the court approves such review in advance and imposes restrictions
11 on such ombudsman to protect the confidentiality of such records.

12 Federal Rule of Bankruptcy Procedure 2015.1 states:

13 (a) Reports.
14 Unless the court orders otherwise, a patient care ombudsman, at least 10 days
15 before making a report under § 333(b)(2) of the Code, shall give notice that the
16 report will be made to the court. The notice shall be transmitted to the United
17 States trustee, posted conspicuously at the health care facility that is the subject of
18 the report, and served on the debtor, the trustee, all patients, and any committee
19 elected under § 705 or appointed under § 1102 of the Code or its authorized
20 agent, or, if the case is a chapter 9 municipality case or a chapter 11
reorganization case and no committee of unsecured creditors has been appointed
under § 1102, on the creditors included on the list filed under Rule 1007(d), and
such other entities as the court may direct. The notice shall state the date and
time when the report will be made, the manner in which the report will be made,
and, if the report is in writing, the name, address, telephone number, email
address, and website, if any, of the person from whom a copy of the report may be
obtained at the debtor's expense.

21 (b) Authorization to Review Confidential Patient Records
22 A motion by a health care ombudsman under § 333(c) to review confidential
23 patient records shall be governed by Rule 9014, served on the patient and any
24 family member or other contact person whose name and address has been given to
25 the trustee or the debtor for the purpose of providing information regarding the
patient's health care, and transmitted to the United States trustee subject to
applicable nonbankruptcy law relating to patient privacy. Unless the court orders
otherwise, a hearing on the motion may be commanded no earlier than 15 days
after service of the motion.

26 Notice is further given that the Patient Care Ombudsman appointed in this case may
27 resign the position as Patient Care Ombudsman for any reason upon twenty (20) days written
28 notice to the United States Trustee, said notice to be delivered to the United States Trustee via

overnight mail delivery or certified mail at the following address:

Office of the United States Trustee
1301 Clay St, Ste 690 N
Oakland, CA 94612-5231

A copy of any such notice shall also be transmitted to the Clerk of the Bankruptcy Court for filing and docketing in this case.

Respectfully submitted,

Dated: August 4, 2011

BARBARA A. MATTHEWS
Assistant United States Trustee

By: /s/ Matthew R. Kretzer
Matthew R. Kretzer
Trial Attorney
Attorneys for Acting U.S. Trustee
August B. Landis

